THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.9757 OF 2006

DATED: 20-02-2007

BETWEEN

Shivaram Lalitha,
W/o. Nagaiah,
Occ: Beedi Labour,
R/o. H.No.6-22-498,
Gouthamnagar,
Nizamabad and another.

...PETITIONERS

AND

The Government of Andhra Pradesh,
Rep. by its Principal Secretary to Home
Department, Secretariat Buildings,
Hyderabad and others.

...RESPONDETNS

ORDER:

It is the case of the petitioners that the third respondent, who is the Deputy Superintendent of Police, Nizamabad, is conducting parallel administration of justice by settling the civil disputes in his office, and threatening them to pay money to the sixth respondent as demanded by him otherwise he would register criminal cases against them.

It is further stated that the petitioners filed a written representation on 08.10.2005 but no action has been taken on the said representation.

2. Counter has been filed on behalf of the respondents 1 to 5 stating that one D. Suguna, W/o. Gangadhar – the sixth respondent herein filed a private complaint on the file of the Additional Judicial Magistrate of First Class,

Nizamabad against the second petitioner herein. The said complaint was forwarded to the Sub-Inspector of Police, III Town Police Station, Nizamabad; based on which a case in Cr.No.65 of 2006 was registered for the offence under Sections 323 and 506 of the Indian Penal Code, 1860 and Section 3(i)(x)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Attrocities) Act, 1989. Thereafter, the Superintendent of Police, appointed the third respondent as the Investigating Officer in respect of the said crime.

It is stated that pursuant to the registration of the said crime only the third respondent examined the witnesses and recorded their statements and during the course of the investigation the accused including the second petitioner was arrested and sent for remand on 13.06.2006. The investigation has been completed and charge sheet has also been filed before the Additional Judicial Magistrate of First Class on 28.06.2006. Insofar as the representation of the petitioner dated 08.10.2005 filed before the second respondent is concerned the same has been enquired into and the same is found to be false and baseless.

3. If the petitioners are aggrieved by the said action, it is always open to them to file a private complaint before the concerned Magistrate for taking appropriate action. However, as all the averments of the petitioners have been denied, no orders are required to be passed in the writ petition.

The writ petition is accordingly dismissed. There shall be no order as to costs.

_____

V. ESWARAIAH, J

February 20, 2007
DSK